

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

EDWARD M. HAMPTON,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00341-JPH-DLP
)	
MATT LEOHR, <i>et al.</i> ,)	
)	
Defendants.)	

**ORDER DENYING MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*,
DISMISSING ACTION, AND DIRECTING ENTRY OF FINAL JUDGMENT**

Edward Hampton, a prisoner at Wabash Valley Correctional Facility, seeks leave to proceed with this action without prepaying the filing fee. Dkt. 2. However, Mr. Hampton is ineligible to proceed *in forma pauperis* because he has accumulated three "strikes" under the Prison Litigation Reform Act. 28 U.S.C. § 1915(g). The Court has notified Mr. Hampton of his three strikes:

Plaintiff is a "three-strike" individual, who because he has filed three or more lawsuits that have been dismissed for failure to state a claim, being frivolous, or malicious, is ineligible to proceed *in forma pauperis*. 28 U.S.C. § 1915(g). Three such cases are (1) *Hampton v. Hinton*, No. 1:16-006-SEB-DKL (S.D. Ind. Jan 25, 2016) (dismissed for failure to state a claim); (2) *Hampton v. Ind. Dep't of Corr.*, No. 1:15-cv-1966-JMS-MJD (S.D. Ind. Dec. 31, 2015) (dismissed for failure to state a claim); and (3) *Hampton v. Stansbury*, No. 1:16-cv-156-SEB-MJD ([S.D.] Ind. May 19, 2016) (dismissed for failure to state a claim).

Hampton v. Cnty. of Allen, et al., no. 1:17-cv-00924-JMS-MJD, dkt. 6 (S.D. Ind. Mar. 29, 2017).

Mr. Hampton did not acknowledge his three strikes in filing his motion for leave to proceed *in forma pauperis*. See dkt. 2. "An effort to bamboozle the court by seeking permission to proceed *in forma pauperis* after a federal judge has held that §1915(g) applies to a particular litigant will lead to immediate termination of the suit." *Sloan v. Lesza*, 181 F.3d 857, 859 (7th Cir. 1999).

Litigants in Mr. Hampton's position "must disclose to the court the fact that they have 'struck out' and . . . pay all fees upfront, or risk dismissal of their case as a sanction for misconduct." *Isby v. Brown*, 856 F.3d 508, 519 (7th Cir. 2017).

For this reason, Mr. Hampton's motion for leave to proceed *in forma pauperis*, dkt. [2], is **DENIED**, and this action is **dismissed with prejudice**. If the harm alleged in the complaint is ongoing, nothing in this Entry prohibits Mr. Hampton from filing a new civil action asserting claims based on circumstances occurring after the entry of final judgment in this case. If Mr. Hampton does so, he must also pay the \$400.00 filing fee or file a motion for leave to proceed *in forma pauperis* that (1) discloses that he has incurred three strikes, and (2) explains why the complaint is subject to the "imminent danger of serious physical injury" exception to § 1915(g).

Final judgment consistent with this Entry shall now issue.

SO ORDERED.

Date: 7/13/2020

Distribution:

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James Patrick Hanlon
United States District Judge
Southern District of Indiana